



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

October 21, 2009

**Re: Belmont County
American Energy Corp., Century Mine
0IL00091*GD
Compliance Evaluation Inspection
Correspondence (IWW)**

Mr. Farley Wood, Director of Env. Compliance
American Energy Corp. Century Mine
43521 Mayhugh Hill Road
Beallsville, Ohio 43716

Dear Mr. Wood:

On September 16, 2009, I conducted a Compliance Evaluation Inspection (CEI) at the American Energy Corporation (AEC) Century Mine. Fred Blumling, Engineer, represented AEC on the inspection.

The purpose of the inspection was to determine AEC's compliance status with the terms and conditions of the NPDES permit, federal number OH059552, state number 0IL00091*CD. A copy of the inspection form is attached.

Based on the inspection and file review, the facility was found to be in compliance with the permit on the day of the inspection. As a result of the inspection and file review of information since the last inspection on November 11, 2006, I have the following comments:

1. A review of the Monthly Operating Reports (MORs) from January to September 2009 indicates the following violations of the NPDES permit at the sanitary sewage wastewater package plant outfall 017 and the sediment pond 015:

017: Dissolved Oxygen 1/09 daily minimum; Fecal Coliform 6/09 weekly and monthly averages.

015: Manganese 2/09 monthly average.

AEC must make every effort to comply with the NPDES permit.

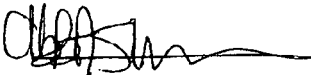
2. The sewage treatment plant needs to be evaluated by a contract operator to see how it could operate better. Although the effluent complies with the limitations in the permit for the most part, AEC is controlling the effluent by pumping out sludge once a quarter instead of tweeking the plant to operate properly.

Also, the sand filter beds need to have weeds removed and the sand raked to be level. Any solids that have washed out onto the sand should be raked up and hauled to a landfill. Care should be taken not to remove too much sand, or more (approved sand filter) sand will need to be added.

3. The sewage treatment plant is operated by William Deter, class I wastewater operator, who works for Quality Environmental Services. As the Operator of Record, Mr. Deter must keep the records required by Ohio Administrative Code (OAC) chapter 3745-7-09. The records should include his hours at the plant and specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage or effluent. The records are to be kept on site (at the mine).
4. On March 22, 2007, Ohio EPA issued Directors Final Findings and Orders (DFFO) to AEC for a slurry line breach that affected Captina Creek. In accordance with the DFFO, AEC can request termination of the DFFO if a certification is submitted in writing indicating that AEC has performed all of the obligations under the orders. See page 8 of 10 of the DFFO, section VI. Termination. The DFFO can be found on our website at:
<http://www.epa.ohio.gov/portals/35/enforcement/AmericanEnergyCorp.pdf>
5. The NPDES permit will be renewed this year for AEC. Possible changes to the permit include: compliance schedules to meet Total Dissolved Solids and Toxicity limits; and additional metals monitoring.
6. Captina Creek is an exceptional warmwater habitat stream, one of the highest quality streams in the state of Ohio. It is imperative that AEC make every effort to protect the stream from damages and impacts from the coal mining and other industrial activities.

Please respond to the problems identified in items 2 and 3 above within 20 days of receipt of this notice. If there are any questions, please contact me at (740) 380-5284.

Sincerely,



Ms. Abbot Stevenson
Environmental Engineer
Permits and Enforcement Section
Division of Surface Water

AS/dh

Enclosure

c: Dave Clark, ODNR DMRM
c: AS file

NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
0IL00091*GD	OH0059552	September 16, 2009	C	S	2

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
American Energy Corp. Century Mine 43521 Mayhugh Hill Road Beallsville, Ohio 43716 (mine office (740) 926-9152)	10:00 a.m.	December 1, 2002
	Exit Time 1:30 p.m.	Permit Expiration Date July 31, 2007

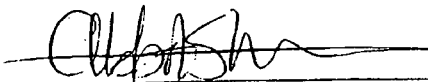
Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
Fred Blumling, Engineer	(740) 310-7040
Name, Address and Title of Responsible Official	Phone Number
Farley Wood, Dir. Env. Compliance & Corp. Permitting	(740) 926-1351

C. AREAS EVALUATED DURING INSPECTION


<u>S</u> Permit	<u>N/A</u> Flow Measurement	<u>N/A</u> Pretreatment
<u>S</u> Records/Reports	<u>S</u> Laboratory	<u>N/A</u> Compliance Schedules
<u>S</u> Operations & Maintenance	<u>S</u> Effluent/Receiving Waters	<u>S</u> Self-Monitoring Program
<u>S</u> Facility Site Review	<u>S</u> Sludge Storage/Disposal	<u> </u> Other
<u>N/A</u> Collection System		

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated; N/A = Not Applicable)

D. SUMMARY OF FINDINGS/COMMENTS (attach additional sheets if necessary)


Abbot Stevenson, Inspector, Ohio EPA, Southeast District Office

10/21/09
Date


Timothy M. Campbell, Reviewer, Ohio EPA, Southeast District Office

10/21/09
Date

Sections E through K: Complete on all inspections as appropriate (N/A = Not Applicable N/E = Not Evaluated)

E. PERMIT VERIFICATION

Inspection Observations Verify the Permit	Yes	No	N/A	N/E
a. Correct name and mailing address of permittee	X			
b. Correct name and location of receiving waters	X			
c. Product(s) and production rates conform with permit application (industries)	X			
d. Flows and loadings conform with NPDES permit	X			
e. Treatment processes are as described in permit application/briefing memo	X			
f. New treatment process(es) added since last inspection		X		
g. Notification given to state of new, different, or increased discharges	X			
h. All discharges are permitted	X			
i. Number and location of discharge points are as described in permit		X		

Comments: i. Outfall 012 is not a direct discharge, it discharges to pond 08.

F. COMPLIANCE SCHEDULES/VIOLATIONS

	Yes	No	N/A	N/E
a. Any significant violations since the last inspection		X		
b. Permittee is taking actions to resolve violations			X	
c. Permittee has compliance schedule		X		
d. Compliance schedule contained in: _____			X	
e. Permittee is meeting compliance schedule			X	

Comments:

G. OPERATION AND MAINTENANCE

Treatment Facility Properly Operated and Maintained	Yes	No	N/A	N/E
a. Standby power available: Generator: _____ Dual Feed: _____		X		
b. Adequate alarm system available for power or equipment failures	X			
c. All treatment units in service other than backup units	X			
d. Sufficient operating staff provided: No. of shifts: <u>1</u> Days/Week: <u>5</u>	X			
e. Operator holds unexpired license of class required by permit Class: <u>I</u>	X			
f. Routine and preventive maintenance schedule/performed on time	X			
g. Any major equipment breakdown since last inspection		X		
h. Operation and maintenance manual provided and maintained		X		
i. Any plant bypasses since last inspection		X		
j. Regulatory agency notified of bypasses: _____ on MORS _____ 800 No.			X	
k. Any hydraulic and/or organic overloads experienced since last inspection		X		

Comments: It is recommended that AEC hire a consultant to troubleshoot the sewage treatment plant.

Part 2 – Sampling	Yes	No	N/A	N/E
a. Sampling location(s) are as specified by permit	X			
b. Parameters and sampling frequency agree with permit	X			
c. Permittee uses required sampling method	X			
d. Sample collection procedures are adequate	X			
i. Samples refrigerated during compositing			X	
ii. Proper preservation techniques used	X			
Conform with 40 CFR 136.3	X			
e. Monitoring records (e.g., flow, pH, D.O., etc.) maintained for a minimum of three years including all original strip chart recordings (e.g., continuous monitoring instrumentation, calibration, and maintenance records)	X			
f. Adequate records maintained of sampling date, time, exact location, etc.	X			

Comments: a. Make certain the holding times of 6 hrs. is being met for fecal coliform samples.

Part 3 – Laboratory, General	Yes	No	N/A	N/E
a. EPA approved analytical testing procedures used (40 CFR 136.3)	X			
b. If alternate analytical procedures are used, proper approval has been obtained			X	
c. Analyses being performed more frequently than required by permit		X		
d. If (c) is yes, are results reported in permittee's self-monitoring report			X	
e. Commercial laboratory used:	X			
1. Parameters analyzed by commercial lab: All				
2. Lab name: Quality Environmental Services				

Comments: e. Contract lab collects samples.

Part 3 – Laboratory, Quality Control/Quality Assurance	Yes	No	N/A	N/E
f. Quality assurance manual provided and maintained				X
g. Satisfactory calibration and maintenance of instruments and equipment				X
h. Adequate records maintained				X
i. Results of latest U.S. EPA quality assurance performance sampling program:				
Date: N/A				
Satisfactory				
Marginal				
Unsatisfactory				

Comments:

J. EFFLUENT/RECEIVING WATER OBSERVATIONS

Outfall #	Oil Sheen	Grease	Turbidity	Visible Foam	Visible Float Solids	Color	Other
008	None	None	None	None	None	None	
011	None	None	None	None	None	None	
014	No discharge						
015	Trickle						
017	None	None	None	None	None	Slight green	

Comments: Pond 18 does not discharge (recycled).

Pond 12 was discharging, but it is an internal discharge tributary to outfall 008.

K. MULTIMEDIA OBSERVATIONS

	Yes	No	N/A	NE
a. Are there indications of sloppy housekeeping or poor maintenance in work and storage areas or laboratories		X		
b. Do you notice staining or discoloration of soils, pavement, or floors		X		
c. Do you notice distressed (unhealthy, discolored, dead) vegetation		X		
d. Do you see unidentified dark smoke or dustclouds coming from sources		X		
e. Do you notice any unusual odors or strong chemical smells		X		
f. Do you see any open or unmarked drums, unsecured liquids, or damaged containment facilities		X		

If any of the above are observed, ask the following questions:

1. What is the cause of the conditions?
2. Is the observed condition or source a waste product?
3. Where is the suspected contaminant normally disposed?
4. Is this disposal permitted?
5. How long has the condition existed and when did it begin?

Comments:

Complete as appropriate for sampling inspections
Do not attach this page when completing reports for evaluation inspections

L. SAMPLING PROCEDURES (FOR CSI'S)

☐ Grab samples obtained
☐ Composite obtained
☐ Compositing frequency: _____ Preservation: _____
☐ Flow proportioned sample obtained
☐ Automatic sampler used
☐ Sample split with permittee
☐ Chain of custody employed
☐ Sample obtained from facility sampling device
Sample refrigerated during compositing: ☐ Yes ☐ No
Sample representative of volume and nature of discharge: _____

Comments: